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Chairman
4th District, Oklahoma

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 2466—FY 2000 Interior Appropriations Act

H.R. 1691—Religious Liberty Protection Act



H.R. 2466—FY 2000 Interior Appropriations Act

Floor Situation: The House will continue considering H.R. 2466 as its first order of business today. Yesterday the House completed general debate and began considering amendments under an open rule. The rule waives House rules that (1) prohibit consideration of legislation containing new contract or entitlement authority; (2) prohibit consideration of legislation within the Budget Committee's jurisdiction unless reported by the Budget Committee; and (3) prohibit unauthorized or legislative provisions in an appropriations measure. It makes in order a manager's amendment by Mr. Young or his designee. It accords priority in recognition to members who have their amendments pre-printed in *Congressional Record*. The chairman of the Committee on the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2466 appropriates \$14.1 billion in new FY 2000 budget authority, \$193.2 million less than last year (although the FY 1999 amount includes \$276.6 million in FY 1999 emergency funding) and \$1.2 billion less than the president's request. Approximately half of the bill's funding, \$7.1 billion, finances Interior Department programs to manage and study the nation's animal, plant, and mineral resources. The balance of the measure's funds support other, non-Interior agencies that perform related functions. These include the Forest Service, conservation and fossil energy programs run by the Energy Department, and the Indian Health Service, as well as the Smithsonian Institution and similar cultural organizations. Specifically, the measure provides:

- * \$1.4 billion for the operation of the National Parks, \$99.4 million more than last year and \$2.3 million less than the president's request;

- * \$840.2 million for the Fish and Wildlife Service, \$408,000 more than in FY 1999 and \$109.8 million less than the president's request;
- * \$2.4 billion for the Indian Health Service, \$155.6 million more than in FY 1999 and \$14.5 million less than the president's request;
- * \$1.8 billion for the Bureau of Indian Affairs, \$41.6 million more than last year and \$114.1 million less than the president's request; and
- * \$114 million for Everglades restoration, an increase of \$11.4 million over last year for land acquisition, park management, and water delivery modifications.

In addition, the measure includes (1) \$98 million for the National Endowment for the Arts and \$110.7 million for the National Endowment for the Humanities (both equal to the FY 1999 level); (2) \$438.4 million for the Smithsonian (a \$26.1 million increase); (3) \$67.8 million for the National Gallery of Art (a \$3.5 million increase); (4) \$32.4 million for the Kennedy Center (a \$254,000 increase); and (5) \$33.3 million for the Holocaust Museum (\$1.7 million less than the FY 1999 level).

CBO estimates that enactment of H.R. 2466 will result in discretionary outlays of \$9.3 billion in FY 2000, \$3.8 billion in FY 2001, \$785 million in FY 2002, \$294 million in FY 2003, and \$49 million in 2004 and beyond.

Views: The Republican Leadership supports passage of the bill. The president opposes certain provisions in the bill, including (1) the amount authorized for restoring the Everglades; (2) the prevention of funds from being used to support the American Heritage Rivers Program; (3) the lack of funding for programs in the Lands Legacy Initiative, specifically the Cooperative Endangered Species Conservation Fund and the State and Private Forestry Grant Program; and (4) the current level of funding for the National Endowment for the Arts (NEA), which he argues is insufficient.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 2466:

Mr. Coburn or a designee may offer an amendment to reduce funding for the Woodrow Wilson International Center to the FY 1999 level of \$5.84 million. This is a reduction of \$1.2 million from the current bill level. The Wilson Center is an advanced international institute that attracts scholars, public officials, journalists, and business leaders to discuss long-term economic and social issues facing the international community. **Staff Contact:** *Neil Bradley, x5-3038*

Mr. Coburn or a designee may offer an amendment to reduce funding for the Energy Information Administration by \$2.1 million to the FY 1999 level of \$70.5 million. The Energy Information Administration is a semi-independent agency within the Energy Department that provides departmental information to Congress, the executive branch, state governments, industries and the public. **Staff Contact:** *Neil Bradley, x5-3038*

Mr. Coburn or a designee may offer an amendment to reduce funding for Forest Service forest and rangeland research to \$187.4 million, \$16.9 million less than the current House level and equal to the Senate version of the measure. Proponents of the amendment agree with the Senate evaluation criticizing

the program for devoting too much of its time and resources to studying items unrelated to forest and rangeland research. *Staff Contact: Neil Bradley, x5-3038*

Mr. Coburn or a designee may offer an amendment to reduce funding for the U.S. Geological Service to the level of \$813.2 million included in the Senate version of the measure, a reduction of \$7.2 million from the House level. Proponents of the amendment argue that the USGS uses federal subsidies to unfairly compete with the private sector. *Staff Contact: Neil Bradley, x5-3038*

Mr. Coburn or a designee may offer an amendment to limit administrative expenses for the U.S. Fish and Wildlife Service to 4.9 percent of the appropriation, thus matching the administrative cap contained in the Senate bill. Currently, the House bill limits administrative expenses to 6.6 percent. The amendment is designed to save approximately \$2 million. *Staff Contact: Neil Bradley, x5-3038*

Mr. Coburn or a designee may offer an amendment to eliminate all land acquisition accounts in the bill, eliminating \$160 million provided for this purpose. Funding for land acquisition in the bill includes (1) \$15 million for the Bureau of Land Management; (2) \$42 million for the U.S. Fish and Wildlife Service; (3) \$102 million for the National Park Service; and (4) \$1 million for Forest Services. The bill authorizes that \$60 million of the eliminated funding be provided to the National Park Service for backlog maintenance. *Staff Contact: Neil Bradley, x5-3038*

Mr. DeFazio may offer an amendment (#1) to prohibit funds in the bill from being used to carry out, or pay the salaries of any Forest Service employees who carry out, the recreational fee demonstration program. The program, authorized in the FY 1996 Omnibus Appropriations Act (*P.L. 104-134*), has become increasingly controversial in western states. Proponents of the program argue that it allows parks and public land agencies to generate funds locally for maintenance and operational enhancements. Opponents, however, believe that the program is merely a new tax on hikers, boaters, and other recreational users for them to enjoy public land, and that local agencies have shown little in the way of improvements for their fee collecting efforts. *Staff Contact: Jeff Stier, x5-6416*

Mr. DeFazio may offer an amendment (#2) to prohibit funds in the bill from being used to fine or enforce a fee imposed in the recreational fee demonstration program. *Staff Contact: Jeff Stier, x5-6416*

Mr. Farr may offer an amendment (#3) to prohibit the use of jawed leghold traps or neck snares in the National Wildlife Refuge System (NWRS) except for research, subsistence, conservation, or to protect NWRS facilities. *Staff Contact: Debbie Merrill, x5-2681*

Messrs. Hayworth, Young, Kildee, and Miller (CA) may offer an amendment (#4) to delete provisions in the bill that grant a proportionate distribution of the cost funding contracts between Indian tribes and the Indian Health Services under the Indian Self-Determination Act. Proponents of this amendment argue that granting proportionate distributions between tribes punishes those tribes with the longest history of providing their own health services. *Staff Contact: Suzy Geroux, x5-2190*

Mr. Hastings (WA) may offer an amendment to require congressional approval of an administration plan to expand the national wildlife refuge at Hanford Reach in Washington state. Currently, the Fish and Wildlife Service (FWS) manages 90,000 acres of land owned by the Energy Department. The remaining 60,000 acres is controlled by state fish and game officials. The administration has proposed to transfer management over the entire area to FWS. *Staff Contact: Craig Kennedy, x5-5816*

Mr. Kucinich may offer an amendment (#5) to allow funding provided in the bill to be used for the American Heritage Rivers program. *Staff Contact: Dan Marschall, x5-5871*

Mr. McCrery may offer an amendment to delete bill language authorizing the relocation of the National Center for Preservation Technology and Training outside of Northwestern State Louisiana in Natchitoches, Louisiana. By striking the language in the bill, this amendment preserves existing law. *Staff Contact: Chris King, x5-2777*

Mr. Mica may offer an amendment (#7) to earmark \$9 million from the \$42.4 million provided in the bill for federal land acquisition in Florida to acquire land along the St. John's River in central Florida. *Staff Contact: Gary Burns, x5-4035*

Mr. George Miller may offer an amendment (#9) to provide \$4 million for the Urban Park and Recreation Recovery (UPARR) Program. UPARR provides locally matched federal financial support to communities for improving public recreational facilities and programs. To finance the increase UPARR funding, the amendment reduces funding for the Commonwealth of the Northern Mariana Islands by an equal amount. *Staff Contact, David Watkins, x6-2311*

Mr. George Miller may offer an amendment (#10) to allocate \$199.7 million of funding provided for the National Forest System specifically for timber sales management and \$123.8 million for wildlife and fisheries habitat management. H.R. 2466 currently provides \$1.3 billion for total NFS funding. *Staff Contact: David Watkins, x6-2311*

Ms. Myrick may offer an amendment to prohibit the use of funds allocated in the bill for the Jobs in the Woods program, which will receive \$8 million in FY 2000 under the bill. A recent study by the United Brotherhood of Carpenters and the Western Council of Industrial Woods Workers found that the program, which was intended to compensate timber-dependent communities for jobs lost as a result of the Northwest Forest Plan, has failed to benefit timber-dependent workers. *Staff Contact: Ashley Hoy, x5-1976*

Messrs. Rahall, Shays, and Inslee may offer an amendment to prohibit any of the bill's funds from being used to process applications regarding mining operations that use more than five acres of public land to dispose of mining waste. Currently, the 1872 mining law allows up to five acres of public land to be used for waste disposal, but amendment supporters claim that the mining industry is seeking to circumvent the restriction. *Staff Contact: Jim Zoia (Rahall), x5-3452*

Mr. Royce may offer an amendment to prohibit the use of funds allocated in the bill to be used to purchase or acquire goods made by slave labor (both adult and juvenile). *Staff Contact: Michelle Lo, x5-4111*

Messrs. Sanders, Boucher, Kind, Rahall, Brown (OH), Ackerman, and Ms. Velazquez may offer an amendment (#14) to increase the Weatherization Assistance Program by \$13 million to its FY 1999 level of \$133 million. *Staff Contact: Warren Gunnels (Sanders), x5-4115*

Messrs. Sanders, Kind, Brown (OH), Ackerman, and Ms. Velazquez may offer an amendment (#15) to remove the bill's requirement that states participating in the Weatherization Assistance Program share 25 percent of program costs. *Staff Contact: Warren Gunnels (Sanders), x5-4115*

Ms. Slaughter, Mr. Horn, and Ms. Johnson may offer an amendment (# 16) to increase funding for both the National Endowment for the Arts and the National Endowment for the Humanities by \$10 million each. The amendment offsets the increases by reducing the amount allocated for the Strategic Petroleum Reserve Program by \$20 million. *Staff Contact: Andrew Bernstein, 5-3615*

Mr. Stearns may offer an amendment (#19) to authorize a study of Fort King in central Florida for the purpose of preserving the fort and identifying types of funding available to develop Fort King and the surrounding area. *Staff Contact: Chrissy Rice, x5-5744*

Mr. Stearns may offer an amendment (#17) to reduce the \$83.5 million allocated in the bill for the National Endowment for the Arts by \$2.1 million. *Staff Contact: Chrissy Rice, x5-5744*

Mr. Stearns may offer an amendment (# 18) to require that 95 percent of NEA funding be allocated for population-based grants, thus limiting administrative costs to five percent. *Staff Contact: Chrissy Rice, x5-5744*

Messrs. Weldon (FL) and Barr may offer an amendment (#20) to prohibit funding in the bill from being used to approve Class III gambling (i.e., casino-style gambling) on Indian lands by any means other than through a tribal-state agreement. *Staff Contact: Sarah Dumont (Barr), x5-2931*

Mr. Weller may offer an amendment to eliminate the National Endowment for the Arts and establish a grant program to local schools for art programs and teachers. The amendment reallocates the \$98 million provided in the bill for the NEA as grants to states based on their respective student populations. The amendment also requires that (1) 95 percent of grant funding go directly to classrooms; (2) the funding be used to supplement, not supplant, local funding; and (3) any art programs funded do not promote or contain any obscene or explicit art. *Staff Contact: Ben Fallon, x5-3635*

Mr. Wu may offer an amendment (#21) to earmark \$196.9 million of National Forest System funding for timber sales management, \$120.5 million for wildlife and fisheries habitat management, and \$40.2 million for watershed improvements. Under the bill, \$103.5 million is allocated for wildlife and fisheries habitat, \$220 million for timber sales management, and \$34 million for watershed improvements. *Staff Contact: Chris Porter, x5-0855*

Mr. Young (FL) or a designee may offer a manager's amendment to reduce funding in the bill for each account, program, or activity by 0.48 percent. The amendment also decreases funding provided for land acquisition by the Bureau of Land Management from \$20 million to \$15 million. Specifically, the amendment removes \$5 million of funding earmarked for the Upper Missouri National Wild and Scenic River in Montana; and (3) defers \$256 million instead of \$190 million in previously appropriated Clean Coal Technology funding until FY 2001. Overall, the amendment reduces the bill's spending by approximately \$138 million. *Staff Contact: Deb Weatherly, x5-3081*

Additional Information: See *Legislative Digest*, Vol. XXVIII, #20, July 9, 1999.

PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE CONGRESSIONAL RECORD.



H.R. 1691—Religious Liberty Protection Act

Floor Situation: The House is scheduled to consider H.R. 1691 after it completes consideration of H.R. 2466. Yesterday, the Rules Committee granted a structured rule providing one hour of general debate, equally divided between the chairman and ranking member of the Judiciary Committee. The rule waives all points of order against consideration of the bill. It makes in order an amendment in the nature of a substitute by Mr. Conyers or a designee if printed in the *Congressional Record*, debatable for one hour. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 1691 prohibits a state or local government that receives federal financial assistance from infringing on an individual's free exercise of religion unless the government shows that the infringement furthers a compelling interest by the least restrictive means (a "strict scrutiny" test). Under current law, for a state or local government to infringe on the free exercise of religion, a lesser standard must be met: a "rational relationship" to the government's interest. To trigger a claim against a state or local government under the bill, an individual must show a *prima facie* (i.e., legally sufficient to establish a fact or a case unless disproved) case of the government's "substantially burden[ing]" the free exercise of religion, thus putting the burden of proof on the government. The measure permits the federal government to sue state and local governments to enforce compliance with the more stringent standard established under the bill.

The bill targets the area of land use and zoning, based on statistical and anecdotal evidence that indicates a pattern of discriminatory actions by land use authorities that substantially burdens religious exercise. Specifically, the measure (1) prohibits land use regulations from discriminating against an assembly or institution on the basis of religion or religious denomination; (2) requires zoning authorities to make reasonable allowances for religious land use; and (3) prohibits state and local governments from imposing land use regulations in a way that does not treat religious assemblies or institutions on equal terms with nonreligious institutions.

CBO estimates that enactment will have no significant impact on the federal budget because the bill primarily addresses state actions. The bill was introduced by Mr. Canady *et al.* and was reported by the Judiciary Committee by voice vote on June 23, 1999.

Views: The Republican leadership supports passage of the bill. An official Clinton Administration view was unavailable at press time.

Amendments: As stated above, the rule makes in order an amendment in the nature of a substitute if offered by Mr. Conyers or a designee. (The substitute will most likely be offered by **Mr. Nadler**.)

The substitute amendment modifies the bill to clarify which individuals may raise a claim or defense under the measure. Specifically, the substitute broadly permits individuals to file a case under the bill in cases related to any law that burdens the free exercise of religion—except laws related to housing and employment discrimination and laws prohibiting discrimination in a public accommodation. However, the substitute permits the following individual(s) to file claims related to housing and employment discrimination laws: (1) small landlords, in cases related to housing discrimination; (2) religious corporations, associations, and education institutions, in cases related to employment discrimination; and (3) small business owners (an entity employing five or fewer individuals), in cases related to employment discrimination. **Staff Contact:** *David Lachmann, x5-2322*

Additional Information: See *Legislative Digest*, Vol. XXVIII, #20, July 9, 1999.



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